

FILED

DEC 28 2018

UNITED STATES BANKRUPTCY COURT
SAN FRANCISCO, CA

Earl Moore
88 Ignacio Avenue
San Francisco, CA 94124
(415) 467-0787

Creditor In Pro Per

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA

EARL MOORE,
Petitioner/Claimant,

vs.

YELLOW CAB COOPERATIVE INC.,
Debtor/Respondent

Case No.: 16-30063 DM

Chapter 11

**RENEWED MOTION FOR ADDITIONAL TIME
TO AMEND AND FILE CLAIMS AND SUBMIT
BRIEF SUPPORTING OPPOSITION TO
TRUSTEE'S OBJECTION; MOTION TO TAKE
OFF CALENDAR HEARING NOTICED FOR
DECEMBER 28**

Date: December 28, 2018
Time: 1:30 PM
Place: 450 Golden Gate Avenue
Courtroom 17, 16th Floor
San Francisco, CA 94102

Earl Moore, the claimant in the above-captioned matter, re-submits his motion for additional time to 1) Amend his claim and file the amended claim and 2) Submit a brief supporting his opposition to the trustee's objection to claims 273 and 274, under Federal rule of bankruptcy 3007. The opposition to the Trustee's Objection to Claim was timely submitted under Federal rule of bankruptcy procedure 3007 and bankruptcy rule 9014.¹ The motion for additional time to file was submitted simultaneously and on the same date of the opposition to Trustees

¹ Exhibit A--file stamped copy of Earl Moore's Opposition to Trustees Objection to Claims By Owners; Request For Additional Time To Amend Claims And Submit Briefs Supporting Opposition To Trustees Objection

**RENEWED MOTION FOR ADDITIONAL TIME TO AMEND AND FILE CLAIMS AND SUBMIT BRIEF
SUPPORTING OPPOSITION TO TRUSTEE'S OBJECTION; MOTION TO TAKE OFF CALENDAR HEARING
NOTICED FOR DECEMBER 28 - 1**

1 Objection to claim. As of this filing, there has been no formal objection filed by the Trustee. The trustee
2 acknowledged the timely filed opposition and request for more time to respond in paragraph 4 of his declaration in
3 support of request for entry of order by default on objection to claim by owners.²

4 I am re-submitting my request for additional time to amend the claims and submit a brief to
5 support my opposition to the trustee's objections because the conditions outlined in my original November 30, 2018
6 request still exist and are still impeding my ability to assert my constitutional right for a redress of my claims before
7 a court of competent jurisdiction. As noted in my previous filing

- 8 1) the claims need to be amended to accurately reflect the amounts and claims owed by the
9 debtor in the above-captioned case.
- 10 2) I am an elderly unrepresented claimant and the law school libraries I was using to research
11 my claims were closed to the public for final exams are now closed for the holidays.
12 until after the new year.
- 13 3) I requested an additional 30 days after the libraries open to the public in the new year to
14 amend this claim and to submit a supplemental brief and memorandum of points and
15 authorities outlining the legal basis for the validity of my amended claims and my opposition
16 to the trustee's objections.
- 17 4) The Memorandum of Points and Authorities in my timely filed Opposition to Trustee's
18 Objection to Proof of Claims show that my claims I am seeking to amend are valid. These
19 claims are based on state law that serves as the basis for both claims. Furthermore, my claims
20 are not duplicates as speculatively stated by the trustee. The trustee's objection offers no
21 substantial evidence that the claim is invalid, excessive or prohibited by the bankruptcy code
22 or any statute.

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25 ² Exhibit B--Declaration of Randy Michelson In Support Of Request For Entry Of Order By Default On Objection
26 To Claims By Owners, Page 2, Paragraph 4, lines 8-10

27 RENEWED MOTION FOR ADDITIONAL TIME TO AMEND AND FILE CLAIMS AND SUBMIT BRIEF
28 SUPPORTING OPPOSITION TO TRUSTEE'S OBJECTION; MOTION TO TAKE OFF CALENDAR HEARING
NOTICED FOR DECEMBER 28 - 2

1 These conditions have been exacerbated by inaction from the court on my request for additional time to file an
2 amended claim and brief supporting my opposition to the trustee's objection to claim. The Trustee's failure to
3 respond or file a timely objection even though other filings with this court show that the trustee is aware of my
4 opposition and my request for additional time to file an amended claim and supplemental brief supporting my
5 opposition to the objection to claim has caused this matter to languish.

6 The trustee's notice of hearing inaccurately states my position and mischaracterizes the timing and nature
7 of my request and because of these inaccuracies this hearing is premature. In the declaration of Randy Michelson,
8 In Support of the Request for Entry of Order by Default on Objections to Claim by Owner³ and in the Notice of
9 Hearing on Liquidating Trustee's Objection to Claims by Earl F. Moore⁴, both documents mischaracterize my
10 request for additional time and because the trustee did not read my opposition and the reasons for my request for
11 additional time. The trustee incorrectly represents that I requested an additional 30 days from the November 30
12 filing to file a supplemental opposition. Because they did not read my request carefully, the trustee incorrectly
13 calculated the 30 days from filing making my brief due on December 31st, 2018 as December 30th falls on a Sunday.
14 The notice of hearing was prematurely filed on December 19th, 2018 with a hearing date on December 28th, 2018
15 three days before the incorrectly calculated due date for my supplemental brief. The premature procedural end run
16 by the trustee does not promote fairness or justice and seeks to take advantage of an elderly and unrepresented
17 claimant. This hearing schedule by the trustee should be taken off calendar and motion for additional time should be
18 approved for several reasons:

- 19 1. The conditions that precipitated the initial timely request for additional time and have been reiterated
20 earlier still exist unabated.

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24 ³ Ibid.,

25 ⁴ Exhibit C—Notice of Hearing on Liquidating Trustee's Objection to Claims by Earl F. Moore

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27 RENEWED MOTION FOR ADDITIONAL TIME TO AMEND AND FILE CLAIMS AND SUBMIT BRIEF
28 SUPPORTING OPPOSITION TO TRUSTEE'S OBJECTION; MOTION TO TAKE OFF CALENDAR HEARING
NOTICED FOR DECEMBER 28 - 3

2. The timely filed opposition and request for additional time to amend the claim and file an opposition brief to the trustee's objections to claims based on those amended claims are constitutionally protected. I have the right to petition the court and have my claims heard without abridgment of my substantive and procedural due process rights as provided by the equal protection clause.
3. The motion for additional time to file documents should be heard and ruled on before any hearing is scheduled, held or issue related to this objection is brought before the court.
4. The trustee has filed no objection to the request for additional time.
5. The sole purpose of the Trustee scheduling this hearing the Friday after Christmas and mailing the notice over the final weekend before the Christmas holiday was designed to induce a default because the party would not receive timely notice of the hearing due to the significant increase in the volume of mail and packages during the Christmas holiday. The volume of mail is so great that many packages mailed at the last minute, as the trustee's notice of hearing was, are delayed, lost or misdelivered. It is not uncommon because of the significant increase in the volume of mail to receive Christmas cards and packages well into the New Year.
6. The notice was mailed at the last minute to induce default because many people are out of town or have other commitments that take them out of the area for the Christmas holidays and the week after Christmas. I was scheduled to attend a wedding and family celebration after Christmas in Southern California. This event was scheduled many months prior to this last-minute notice for this hearing.
7. Even in the unlikely event, I received the notice in time to attend the hearing, the court should take the hearing off calendar because the issues that precipitated the request for additional time to file still exist and have not been abated. This hearing is not only premature but is a waste of the courts' time and resources as no productive issues will be addressed because of the preexisting conditions that led to my initial request for additional time continue unabated.
8. The trustee is trying to create an ambush hearing in which they are seeking a quasi-summary adjudication on the substantive issues even though I've made a formal request for additional time to

RENEWED MOTION FOR ADDITIONAL TIME TO AMEND AND FILE CLAIMS AND SUBMIT BRIEF
SUPPORTING OPPOSITION TO TRUSTEE'S OBJECTION; MOTION TO TAKE OFF CALENDAR HEARING
NOTICED FOR DECEMBER 28 - 4

1 present my issues and the law supporting my issues to the court. This is a purposeful end run around
2 my substantive and procedural due process rights.

3 Wherefore, I renew my prayer that this court will grant my request for additional time to file an amended
4 claim and responsive opposition to the Trustee's objection. I am also requesting that this hearing be taken off
5 calendar as it is premature and scheduled at the last minute during the holiday for the sole purpose of inducing
6 default.

8 MEMORANDUM OF POINTS AND AUTHORITIES

9 The proof of a claim, if filed in accordance with Bankruptcy Code section 501, and the pertinent bankruptcy rules
10 constitutes prima facie evidence of the validity and amount of the claim under Federal Rules of Bankruptcy
11 Procedure 3001 and Bankruptcy Code section 502 (a).⁵ Unless the trustee, as objector, introduces evidence as to the
12 invalidity of the claim or the excessiveness of its amounts, the claimant need offer no further proof of the merits of
13 the claim.⁶

14 ARGUMENT AND DISCUSSION

15 I. THE TIMELY FILING OF A VALID CLAIM AGAINST THE BANKRUPTCY PETITIONER
16 YELLOW CAB INC. AS WELL THE OPPOSITION TO THE TRUSTEE'S OBJECTION TO
17 THAT CLAIM GUARANTEES THE CLAIMANT A RIGHT TO BE HEARD BEFORE THE
18 BANKRUPTCY COURT.

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23 ⁵ Ashford v. Consolidated Pioneer Mortgage (In re Consolidated Pioneer Mortgage), 178
B.R. 222 (B.A.P. 9th Cir. 1995)

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25 ⁶ Brown v. IRS (In Re Brown), 82 F.3d 801 (8th Cir. 1996)

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27 RENEWED MOTION FOR ADDITIONAL TIME TO AMEND AND FILE CLAIMS AND SUBMIT BRIEF
28 SUPPORTING OPPOSITION TO TRUSTEE'S OBJECTION; MOTION TO TAKE OFF CALENDAR HEARING
NOTICED FOR DECEMBER 28 - 5

1 Once the claimant has timely filed a claim against the bankruptcy petitioner and that claim is substantiated
2 by evidence of their claim, the claim is considered valid. The trustee has the obligation under the bankruptcy
3 code and the federal rules of bankruptcy procedure to introduce evidence on the invalidity of the claim to
4 prevent a hearing on the claim asserted against the bankruptcy petitioner. Here the trustee has not objected to
5 the request for additional time to file nor have they presented any evidence to substantiate their baseless
6 allegations that my claim is invalid and as they state my request for hearing on this matter is futile. This court
7 must grant the claimant the opportunity to be heard and present his case to this court about the issues related to
8 these claims. Therefore, this court must grant the unopposed motion for additional time to respond.

9 **II. THE INITIAL MOTION FOR ADDITIONAL TIME TO FILE THE AMENDED CLAIM AND**
10 **OPPOSITION TO THE TRUSTEE'S OBJECTION TO CLAIM WAS TIMELY FILED AND**
11 **BEFORE THE COURT, WITHOUT ANY OBJECTION FROM THE TRUSTEE. THIS**
12 **MOTION MUST BE RULED UPON BEFORE ANY TRIAL DATE CAN BE REQUESTED BY**
13 **THE TRUSTEE BECAUSE TO SET A TRIAL DATE WITHOUT ALLOWING THE**
14 **CLAIMANT THE OPPORTUNITY TO PRESENT HIS CASE DENIES HIM OF HIS**
15 **SUBSTANTIVE AND PROCEDURAL DUE PROCESS RIGHTS.**

16 On November 30th, 2018, I filed an opposition to the trustee's objection to claim. In this timely filed opposition
17 to the trustee's objection, I requested additional time to amend the claim and to file a supplemental opposition to the
18 trustee's objection based on the correct information. I outline to the court several impediments beyond my control
19 that required additional time to bring these issues and information before the court. The conditions set forth in my
20 initial filing and reiterated in this current motion have not been abated and still impede my ability to access the law
21 and produce the document for this court. The trustee has not objected to my opposition or my request for additional
22 time to file these documents. The bankruptcy code and the federal rules of banker's procedure require that the
23 trustee show that the claim is invalid and that the conditions outlined in my request for additional time and that
24 prevent me from presenting the opposition do not exist or have abated.

25 The trustee has not filed any documents in opposition to my objection to claim nor has the trustee presented any
26 evidence that my claim is invalid. Since the trustee has not presented any formal objection or evidence of invalidity
27 **RENEWED MOTION FOR ADDITIONAL TIME TO AMEND AND FILE CLAIMS AND SUBMIT BRIEF**
28 **SUPPORTING OPPOSITION TO TRUSTEE'S OBJECTION; MOTION TO TAKE OFF CALENDAR HEARING**
NOTICED FOR DECEMBER 28 - 6

1 of my claim, the trustee should not be permitted to schedule hearings to make unsubstantiated arguments in an effort
2 to prevent me from pursuing my claims that are permitted under the Bankruptcy Code and Federal Rules of
3 Bankruptcy Procedure.

4 **III. THE MOTION FOR ADDITIONAL TIME TO FILE MUST BE GRANTED TO PROTECT**
5 **THE CLAIMANT SUBSTANTIVE AND PROCEDURAL DUE PROCESS RIGHTS OF THE**
6 **UNREPRESENTED CLAIMANT.**

7 The constitution guarantees the claimant the right to petition the government and access the courts to address
8 their claims and grievances. The federal bankruptcy code and federal rules of bankruptcy procedure protect the
9 rights of claimants to present their claims and the right to have a hearing on the merits of their claims in the
10 bankruptcy proceeding. The claimant has timely filed his claim and has also timely filed his opposition to the
11 trustee's objection to his claim. The claimant has also timely filed a request for additional time to supplement his
12 claim and amend his opposition to the trustee's objection to the claim without objection. The trustee's notice of
13 hearing is done for the sole purpose and is designed to circumvent the due process rights of the claimant and have a
14 summary adjudication of his claim even though he is still constrained by circumstances beyond his control. The
15 trustee's decision to notice this hearing just before the Christmas holidays and to schedule the hearing on a Friday
16 afternoon during the Christmas holiday and just before the new year shows that the trustee is trying to manipulate
17 this courts procedure to induce a default.

18 **IV. THE CLAIMANT PROPOSES A BRIEFING SCHEDULE THAT PROTECTS THE**
19 **INTEREST OF THE CLAIMANT AND PROVIDES AN OPPORTUNITY FOR THE**
20 **TRUSTEE RESPOND TO THE AMENDED CLAIM AND OPPOSITION BRIEF.**

21 The claimant Reiterates his request for a 30-day extension after the libraries open for normal business hours at
22 the beginning of the year. The 30 days will start on January 7th, 2019 and the claimants brief must be submitted by
23 February 7th, 2019. Claimant proposes that the trustee be given 21 days to respond which would make their brief
24 due on February 28th, 2019. A reply brief by the claimant must be filed by March 14, 2019. This schedule protects
25 the due process rights of the claimant, minimizes any inconvenience to the Trustee and provides dates certain to the
26 court for resolving this issue.

27 RENEWED MOTION FOR ADDITIONAL TIME TO AMEND AND FILE CLAIMS AND SUBMIT BRIEF
28 SUPPORTING OPPOSITION TO TRUSTEE'S OBJECTION; MOTION TO TAKE OFF CALENDAR HEARING
NOTICED FOR DECEMBER 28 - 7

1 **CONCLUSIONS**

2 I filed an opposition and memorandum of points and authorities to timely object to the trustee's
3 objection to claim and to preserve my rights to a trial on the merits. This hearing scheduled by the Trustee is
4 designed to circumvent this process and deprive me of my constitutional due process rights.

5 Wherefore, petitioner/claimant prays that the court will grant the relief requested for additional
6 time amend the claims and file an additional response to the timely filed opposition to the Trustee's Objection to
7 Claim.

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9 Dated this 27 of December 2018.

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11 Earl Moore
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27 RENEWED MOTION FOR ADDITIONAL TIME TO AMEND AND FILE CLAIMS AND SUBMIT BRIEF
28 SUPPORTING OPPOSITION TO TRUSTEE'S OBJECTION; MOTION TO TAKE OFF CALENDAR HEARING
NOTICED FOR DECEMBER 28 - 8

1 Earl Moore
88 Ignacio Avenue
2 San Francisco, CA 94124
(415) 467-0787
3

4 Creditor In Pro Per

5 UNITED STATES BANKRUPTCY COURT
6
7 NORTHERN DISTRICT OF CALIFORNIA

8 EARL MOORE,
9
10 Petitioner/Claimant,

11 vs.

12 YELLOW CAB COOPERATIVE INC.,
13
14 Debtor/Respondent

Case No.: 16-30063 DM

Chapter 11

**EXHIBIT INDEX IN SUPPORT OF RENEWED
MOTION FOR ADDITIONAL TIME TO AMEND AND
FILE CLAIMS AND SUBMIT BRIEF SUPPORTING
OPPOSITION TO TRUSTEE'S OBJECTION; MOTION
TO TAKE OFF CALENDAR HEARING NOTICED FOR
DECEMBER 28**

Date: December 28, 2018
Time: 1:30 PM
Place: 450 Golden Gate Avenue
Courtroom 17, 16th Floor
San Francisco, CA 94102

17
18 **EXHIBIT A: FILE STAMPED COPY OF CLAIMANT EARL MOORE'S OPPOSITION TO TRUSTEE'S**
19 **OBJECTION TO CLAIMS BY OWNERS; REQUEST FOR ADDITIONAL TIME TO AMEND CLAIMS**
AND SUBMIT SUPPORTING OPPOSITION BRIEF TO TRUSTEE'S OBJECTION

20 **EXHIBIT B: DECLARATION OF RANDY MICHELSON IN SUPPORT OF REQUEST FOR ENTRY OF**
21 **ORDER BY DEFAULT ON OBJECTION TO CLAIMS BY OWNERS**

22 **EXHIBIT C: NOTICE OF HEARING ON LIQUIDATING TRUSTEE'S OBJECTION TO CLAIMS BY**
23 **EARL F. MOORE**

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26
27 **EXHIBIT INDEX IN SUPPORT OF RENEWED MOTION FOR ADDITIONAL TIME TO AMEND AND FILE**
28 **CLAIMS AND SUBMIT BRIEF SUPPORTING OPPOSITION TO TRUSTEE'S OBJECTION; MOTION TO**
TAKE OFF CALENDAR HEARING NOTICED FOR DECEMBER 28 - 1

EXHIBIT A:

FILE STAMPED COPY OF CLAIMANT EARL MOORE'S

**OPPOSITION TO TRUSTEE'S OBJECTION TO CLAIMS BY OWNERS; REQUEST FOR ADDITIONAL TIME TO
AMEND CLAIMS AND SUBMIT SUPPORTING OPPOSITION BRIEF TO TRUSTEE'S OBJECTION**

1 Earl Moore
2 88 Ignacio Avenue
3 San Francisco, CA 94124
4 (415) 467-0787

5 *Creditor*
6 In Pro per

COPY

FILED

NOV 30 2018

UNITED STATES BANKRUPTCY COURT
SAN FRANCISCO, CA

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA

7 EARL MOORE,

8 Petitioner/Claimant,

9 vs.

10 YELLOW CAB COOPERATIVE INC.,

11 Debtor/Respondent

Case No.: 16-30063 DM

TRUSTEE'S

OPPOSITION TO OBJECTION TO CLAIMS BY
OWNERS; REQUEST FOR ADDITIONAL TIME TO
AMEND CLAIMS AND SUBMIT BRIEF
SUPPORTING OPPOSITION TO TRUSTEE'S
OBJECTION

12 Earl Moore, the claimant in the above-captioned matter, hereby submits the following opposition
13 to the objection to claims 273 and 274, pursuant to Federal rule of bankruptcy 3007. This objection is timely
14 submitted pursuant to Federal rule of bankruptcy procedure 3007 and bankruptcy rule 9014.

15 I am requesting additional time to amend the claims and submit a brief supporting opposition to
16 the trustee's objections because in my research, I discovered that the claims need to be amended to accurately reflect
17 the amounts and claims owed by the debtor in the above-captioned case. I am also requesting additional time
18 because, as an Elderly unrepresented claimant, the law school libraries are closed to the public for final exams. After
19 the conclusion of the final exam period these libraries will be closed or operating on extremely limited hours until
20 after the new year. I will need an additional 30 days to amend this claim and to submit a supplemental brief and
21 memorandum of points and authorities outlining the legal basis for the validity of my amended claims as well as my
22 opposition to the trustee's objections.

23 The Memorandum of Points and Authorities show that my claims are valid. These claims are
24 substantiated and based on state law that serves as the basis for both claims. Furthermore, my claims are not
25 duplicates as speculatively stated by the trustee. The trustee's objection does not offer any substantial evidence that
26 the claim is invalid, excessive or prohibited by the bankruptcy code or any applicable statute.

27
28 OPPOSITION TO OBJECTION TO CLAIMS BY OWNERS; REQUEST FOR ADDITIONAL TIME TO AMEND
CLAIMS AND SUBMIT BRIEF SUPPORTING OPPOSITION TO TRUSTEE'S OBJECTION - 1

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 The proof of a claim, if filed in accordance with Bankruptcy Code section 501, and the pertinent bankruptcy rules,
3 constitutes prima facie evidence of the validity and amount of the claim under Federal Rules of Bankruptcy
4 Procedure 3001 and Bankruptcy Code section 502 (a).¹ Unless the trustee, as objector, introduces evidence as to the
5 invalidity of the claim or the excessiveness of its amounts, the claimant need offer no further proof of the merits of
6 the claim.²

7 **CONCLUSIONS**

8 I am filing this opposition and memorandum of points and authorities to timely object to the
9 trustee's objection to claim, and to preserve my rights to a trial.

10 Wherefore, petitioner/claimant prays that the court will grant the relief requested for additional
11 time amend the claims and file an additional response to the timely filed opposition to the Trustee's Objection to
12 Claim.

13
14 Dated this 30 of November, 2018.

15 

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Earl Moore

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22
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24 ¹ Ashford v. Consolidated Pioneer Mortgage (In re Consolidated Pioneer Mortgage), 178
25 B.R. 222 (B.A.P. 9th Cir. 1995)

26 ² Brown v. IRS (In Re Brown), 82 F.3d 801 (8th Cir. 1996)
27

28 **OPPOSITION TO OBJECTION TO CLAIMS BY OWNERS; REQUEST FOR ADDITIONAL TIME TO AMEND
CLAIMS AND SUBMIT BRIEF SUPPORTING OPPOSITION TO TRUSTEE'S OBJECTION - 2**

Earl Moore
88 Ignacio Avenue
San Francisco, CA 94124
(415) 467-0787

COPY

FILED

NOV 30 2018

UNITED STATES BANKRUPTCY COURT
SAN FRANCISCO, CA

In Pro per

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA

EARL MOORE,

Case No.: 16-30063 DM

Petitioner/Claimant,

vs.

PROOF OF SERVICE

YELLOW CAB COOPERATIVE INC.,

Debtor/Respondent

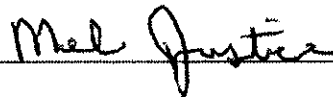
I the undersigned, declare that I reside in the City of San Francisco, County of San Francisco, California. I am over the age of 18 and am not a party to this action.

On November 30, 2018, the Opposition the Trustees Objection to Claim via US Mail and Electronic Service to the following:

U.S. Trustee
1301 Clay Street
Oakland, CA 94612-5202

Michelson Law Group
Randy Michelson
220 Montgomery Street, Suite 2100
San Francisco, CA 94104

Dated this 30th day of November 2018



OPPOSITION TO OBJECTION TO CLAIMS BY OWNERS; REQUEST FOR ADDITIONAL TIME TO AMEND CLAIMS AND SUBMIT BRIEF SUPPORTING OPPOSITION TO TRUSTEE'S OBJECTION - 1

EXHIBIT B

**DECLARATION OF RANDY MICHELSON IN SUPPORT OF REQUEST FOR ENTRY OF ORDER BY DEFAULT
ON OBJECTION TO CLAIMS BY OWNERS**

MICHELSON LAW GROUP
Randy Michelson (SBN 114095)
220 Montgomery Street, Suite 2100
San Francisco, CA 94104
Telephone: 415.512.8600
Facsimile: 415.512.8601
Email: randy.michelson@michelsonlawgroup.com

Attorneys for Liquidating Trustee
Randy Sugarman

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA

In re
YELLOW CAB COOPERATIVE, INC.,
Debtor.

Case No. 16-30063 DM

Chapter 11

**REQUEST FOR ENTRY OF ORDER
BY DEFAULT ON OBJECTION TO
CLAIMS BY OWNERS**

Omnibus Objection #6 by Liquidating
Trustee

Randy Sugarman (the "Liquidating Trustee"), the duly-appointed Liquidating Trustee of the Yellow Cab Cooperative, Inc. Liquidating Trust (the "Trust"), hereby requests entry of an order by default sustaining the *Objection to Claims by Owners (Omnibus Objection #6 by Liquidating Trustee)* (the "Objection"). The claims subject to the objection are as follows:

Claim No.	Claimant (alphabetical by last)	Amount Asserted
368	Kashmir Singh Deol	\$13,500.00
37	Diana Graham	unknown
273	Earl F. Moore	\$31,152.00
274	Earl F. Moore	\$6,200.00
287	William Morrow	\$35,000.00
288	William Morrow	\$33,000.00
286-3	Octavius Nash	\$30,000.00

REQUEST FOR ENTRY OF ORDER BY DEFAULT ON OMNIBUS OBJECTION #6

MICHELSON LAW GROUP
Randy Michelson (SBN 114095)
220 Montgomery Street, Suite 2100
San Francisco, CA 94104
Telephone: 415.512.8600
Facsimile: 415.512.8601
Email: randy.michelson@michelsonlawgroup.com

Attorneys for Liquidating Trustee
Randy Sugarman

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA

In re
YELLOW CAB COOPERATIVE, INC.,
Debtor.

Case No. 16-30063 DM

Chapter 11

**DECLARATION OF RANDY
MICHELSON IN SUPPORT OF
REQUEST FOR ENTRY OF ORDER
BY DEFAULT ON OBJECTION TO
CLAIMS BY OWNERS**

Omnibus Objection #6 by Liquidating
Trustee

I, Randy Michelson, declare as follows:

1. I am an attorney at law licensed to practice before the courts of the State of California and this Court. I have personal knowledge of the facts set forth in this declaration, excepts the facts that are stated upon information and belief, and as to those facts I believe them to be true. If called to testify, I could and would competently testify to the matters set forth below.

2. On October 31, 2018, I filed and caused to be served the *Objection to Claims by Owners (Omnibus Objection #6 by Liquidating Trustee)* (the "Objection") on behalf of my client,

DECLARATION IN SUPPORT OF REQUEST FOR ENTRY OF
ORDER BY DEFAULT ON OMNIBUS OBJECTION #6

1 Randy Sugarman (the "Liquidating Trustee"), the duly-appointed Liquidating Trustee of the
2 Yellow Cab Cooperative, Inc. Liquidating Trust (the "Trust"). [Dkt. Nos. 836 and 846].

3 3. On November 1, 2018, again on behalf of the Liquidating Trustee, I filed and
4 caused to be served a *Notice and Opportunity for Hearing on Objection to Claims by Owners*
5 (the "Notice"). The Notice provides that any opposition or request for hearing on the Objection
6 must be filed and served within 30 days of the Notice. [Dkt. Nos. 859 and 871].

7 4. More than 30 days have passed from the filing and service of the Notice and
8 Objection. On November 30, 2018, claimant Earl Moore filed an opposition to the objection and
9 requested more time to respond. [Dkt. No. 895]. Also on November 30, 2018. Counsel for the
10 Liquidating Trustee received an informal opposition from claimant Octavius Nash. In light of
11 these oppositions, the Liquidating Trustee will separately notice and schedule a hearing on the
12 Objection with respect to Claim Nos. 273, 274 and 286. However, no opposition or request for
13 hearing was timely raised with respect to Claim Nos. 37, 287, 288, 272, 293 or 368.

14 I declare under penalty of perjury under the laws of the United States of America that the
15 foregoing is true and correct and that this declaration was executed at Indio, California on
16 December 10, 2018.

17
18 /s/ Randy Michelson

Randy Michelson
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DECLARATION IN SUPPORT OF REQUEST FOR ENTRY OF
ORDER BY DEFAULT ON OMNIBUS OBJECTION #6

EXHIBIT C

NOTICE OF HEARING ON LIQUIDATING TRUSTEE'S OBJECTION TO CLAIMS BY EARL F. MOORE

1 MICHELSON LAW GROUP
2 Randy Michelson (SBN 114095)
3 220 Montgomery Street, Suite 2100
4 San Francisco, CA 94104
5 Telephone: 415.512.8600
6 Facsimile: 415.512.8601
7 Email: randy.michelson@michelsonlawgroup.com

8 Attorneys for Liquidating Trustee
9 Randy Sugarman

10 UNITED STATES BANKRUPTCY COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12

13 In re
14 YELLOW CAB COOPERATIVE, INC.,
15 Debtor.
16

Case No. 16-30063 DM

Chapter 11

17 **NOTICE OF HEARING ON**
18 **LIQUIDATING TRUSTEE'S**
19 **OBJECTION TO CLAIMS BY**
20 **EARL F. MOORE**
21 **(CLAIM NOS. 273 and 274)**

[Subject to Omnibus Objection #6 by
Liquidating Trustee]

Date: December 28, 2018

Time: 1:30 p.m.

Place: 450 Golden Gate Avenue
Courtroom 17, 16th Floor
San Francisco, CA 94102

22 **TO CLAIMANT EARL F. MOORE:**

23 PLEASE TAKE NOTICE that on December 28, 2018 at 1:30 p.m. in Courtroom 17 of
24 the United States Bankruptcy Court for the Northern District of California, San Francisco
25 Division, located at 450 Golden Gate Avenue, San Francisco, a hearing will be held on the
26 Liquidating Trustee's objection to the claims asserted by Earl F. Moore as set forth in the
27 *Objection to Claims by Owners [Omnibus Objection #6 by Liquidating Trustee]* (the
28 "Objection"). Randy Sugarman (the "Liquidating Trustee"), the duly-appointed Liquidating

NOTICE OF HEARING ON OBJECTION TO CLAIMS BY EARL F. MOORE

1 Trustee of the Yellow Cab Cooperative, Inc. Liquidating Trust, filed and served the Objection on
2 October 31, 2018. [Dkt. Nos. 836 and 846]. On November 1, 2018, the Liquidating Trustee
3 filed and served a *Notice and Opportunity for Hearing on Objection to Claims by Owners* (the
4 "Notice"). The Notice provides that any opposition or request for hearing on the Objection must
5 be filed and served within 30 days of the Notice. [Dkt. Nos. 859 and 871]. On Friday,
6 November 30, 2018, Claimant Earl F. Moore, acting in *propria persona*, filed an opposition to
7 the Objection in which he requested an additional 30 days to amend the claims and submit a
8 supplemental brief in support of his asserted claims. [Dkt. No. 895].

9 PLEASE TAKE FURTHER NOTICE that pursuant to Bankruptcy Local Rule 3007-1,
10 where a factual dispute is involved, the initial hearing on an objection shall be deemed a status
11 conference at which the Court will not receive evidence. Where the objection involves only a
12 matter a law, the matter may be argued at the initial hearing. The Liquidating Trustee believes
13 no significant factual disputes exists as to Mr. Moore's claim and that the issues presented in the
14 Objection are solely questions of law. Mr. Moore's claims arise from his Associate Agreement
15 with the Debtor under which he was admitted as an "associate of the Cooperative." Mr. Moore's
16 claims are for alleged deficiencies in the benefits afforded to him as an associate member of the
17 Debtor. Membership interests in the Debtor were included within Class 5 of the confirmed plan.
18 Pursuant to the confirmed plan, Class 5 claims "shall receive nothing." [Dkt. No. 753].
19 Therefore, the Liquidating Trustee believes it would be futile to allow further briefing on the
20 objection to Mr. Moore's claim. In light of Mr. Moore's request, however, the Liquidating
21 Trustee asks that the hearing be treated as an initial status conference. The Liquidating Trustee
22 reserves his right to further object on any grounds to the extent that the Mr. Moore is allowed to
23 amend or supplement his claims.

24 Dated: December 19, 2018

MICHELSON LAW GROUP

25

26 By: /s/ Randy Michelson
27 Randy Michelson
28 Attorneys for Liquidating Trustee
Randy Sugarman

NOTICE OF HEARING ON OBJECTION TO CLAIMS BY EARL F. MOORE

MICHELSON LAW GROUP
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Attorneys for Liquidating Trustee
Randy Sugarman

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA

In re
YELLOW CAB COOPERATIVE, INC.,
Debtor.

Case No. 16-30063 DM

Chapter 11

PROOF OF SERVICE

I am over eighteen years of age, not a party in this action, and employed in 220 Montgomery Street, Suite 2100, San Francisco, CA 94104. I am readily familiar with the practice of this office for collection and processing of correspondence for mail/fax/hand delivery/next business day delivery, and they are deposited that same day in the ordinary course of business.

On December 19, 2018, I served the:

**NOTICE OF HEARING ON LIQUIDATING TRUSTEE'S OBJECTION
TO CLAIMS BY EARL F. MOORE (CLAIM NOS. 273 and 274)**



(BY FAX) on _____, at _____ m, by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below on this date. The facsimile machine I used complied with California Rules of Court, Rule 2003(3) and the transmission was reported as complete and without error by the machine. Pursuant to California Rules of Court, Rule 2008(e)(4), I caused the machine to print a transmission record of the transmission, a copy of which is attached to this declaration.

PROOF OF SERVICE

1 ☒ (BY MAIL) by causing a true and correct copy of the above to be placed in the
2 United States Mail at Indio, California, in sealed envelope(s) with postage prepaid,
3 addressed as set forth below. I am readily familiar with this law firm's practice for
4 collection and processing of correspondence for mailing with the United States
5 Postal Service. Correspondence is deposited with the United States Postal Service
6 the same day it is left for collection and processing in the ordinary course of
7 business.

8 ☐ (EXPRESS MAIL/OVERNIGHT DELIVERY) by causing a true and correct copy
9 of the document(s) listed above to be delivered by in sealed envelope(s) with all
10 fees prepaid at the address(es) set forth below.

11 ☐ (PERSONAL SERVICE) by causing a true and correct copy of the above
12 documents to be hand delivered in sealed envelope(s) with all fees fully paid to the
13 person(s) at the address(es) set forth below.

14 ☐ (VIA EMAIL) by transmitting a true and correct copy via email the document(s)
15 listed above on this date before 5:00 p.m. PST to the person(s) at the email
16 address(es) set forth below.

17 ☐ (VIA LEXISNEXIS) by causing a true and correct copy of the document(s) listed
18 above to be sent via electronic transmission through LexisNexis File & Serve to
19 the person(s) at the address(es) set forth below.

20 **SEE ATTACHED SERVICE LIST**

21 I declare under penalty of perjury under the laws of the United States that the
22 foregoing is true and correct and that this declaration was executed on December 19, 2018 at
23 Indio, California.

24 / s / Randy Michelson
25 Randy Michelson

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PROOF OF SERVICE

SERVICE LIST

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Earl F. Moore
88 Ignacio Avenue
San Francisco, CA 94124

PROOF OF SERVICE

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1 Earl Moore
88 Ignacio Avenue
2 San Francisco, CA 94124
(415) 467-0787
3

4 In Pro per

5 UNITED STATES BANKRUPTCY COURT
6 NORTHERN DISTRICT OF CALIFORNIA

7 EARL MOORE,

8 Petitioner/Claimant,

9 vs.

10 YELLOW CAB COOPERATIVE INC.,

11 Debtor/Respondent
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Case No.: 16-30063 DM

**RENEWED MOTION FOR ADDITIONAL TIME
TO AMEND AND FILE CLAIMS AND SUBMIT
BRIEF SUPPORTING OPPOSITION TO
TRUSTEE'S OBJECTION; MOTION TO TAKE
OFF CALENDAR HEARING NOTICED FOR
DECEMBER 28**

Date: December 28, 2018
Time: 1:30 PM
Place: 450 Golden Gate Avenue
Courtroom 17, 16th Floor
San Francisco, CA 94102

19 I the undersigned, declare that I reside in the City of San Francisco, County of San Francisco,
20 California. I am over the age of 18 and am not a party to this action.

21 On December 27, 2018, the Opposition the Trustees Objection to Claim via US Mail and
22 Electronic Service to the following:

23 U.S. Trustee
1301 Clay Street
24 Oakland, CA 94612-5202

Michelson Law Group
Randy Michelson
220 Montgomery Street, Suite 2100
San Francisco, CA 94104

25 Dated this 27th day of December 2018
26
27

28 RENEWED MOTION FOR ADDITIONAL TIME TO AMEND AND FILE CLAIMS AND SUBMIT BRIEF
SUPPORTING OPPOSITION TO TRUSTEE'S OBJECTION; MOTION TO TAKE OFF CALENDAR HEARING
NOTICED FOR DECEMBER 28 - 1

Mel Foster

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RENEWED MOTION FOR ADDITIONAL TIME TO AMEND AND FILE CLAIMS AND SUBMIT BRIEF
SUPPORTING OPPOSITION TO TRUSTEE'S OBJECTION; MOTION TO TAKE OFF CALENDAR HEARING
NOTICED FOR DECEMBER 28 - 2